

### REMARKS

In response to the Office Action mailed July 28, 2004, Applicants amended claims 1, 7 and 25, added new claims 30-36, and cancelled claims 5, 6, 22 and 23. Claims 1-4, 7-21 and 24-36 are presented for examination.

The Examiner objected to the specification. Applicants amended the specification to obviate the objection, and therefore request reconsideration and withdrawal of the objection.

The Examiner objected to claim 23. Applicants cancelled claim 23, so this objection should be withdrawn.

The Examiner rejected claims 1-7, 12-15 and 19-29 under 35 U.S.C. §102(b) as being anticipated by Rastani. However, Rastani does not disclose a light-emitting device including: 1.) a light-generating region; 2.) a layer supported by the light-generating region; and 3.) a support, where: a.) the layer is configured so that light generated by the light-generating region can emerge from the light-emitting device via the surface of the first layer; b.) the surface of the layer has a dielectric function that varies spatially according to a pattern; and c.) the light-generating region is between the layer and the support, as required by claims 1-7, 12-15 and 19-29 as amended. Applicants therefore request reconsideration and withdrawal of claims 1-7, 12-15 and 19-29 under 35 U.S.C. §102(b).

The Examiner rejected claims 1, 6, 7, 10, 11 and 15-17 under 35 U.S.C. §102(b) as being anticipated by Lear.<sup>1</sup> But, Lear does not disclose a light-emitting device that includes a layer having a surface with a dielectric function that varies spatially according to a pattern that is formed of holes, as required by claims 1, 10, 11 and 15-17 as amended. Accordingly, Applicants request reconsideration and withdrawal of the rejection of claims 1, 6, 7, 10, 11 and 15-17 under 35 U.S.C. §102(b).

The Examiner rejected claims 8 and 9 under 35 U.S.C. §103(a) as being unpatentable over Lear. However, Lear does not disclose or suggest a light-emitting device that includes a layer having a surface a dielectric function that varies spatially according to a pattern that is

---

<sup>1</sup> Applicants cancelled claim 6, so the rejection of these claims should be withdrawn.

Applicant : Alexei A. Erchak  
Serial No. : 10/724,029  
Filed : November 26, 2003  
Page : 11 of 11

Attorney's Docket No.: 16459-010001

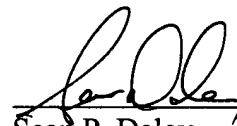
formed of holes, as required by claims 8 and 9 as amended. Thus, Applicants request reconsideration and withdrawal of the rejection of claims 8 and 9 under 35 U.S.C. §103(a).

Applicants believe the application is in condition for allowance, which action is requested.

Applicants enclose a check to cover fees associated with extra claims. Please apply any charges or credits to deposit account 06-1050.

Respectfully submitted,

Date: 8/27/04

  
Sean P. Daley  
Reg. No. 40,978

Fish & Richardson P.C.  
225 Franklin Street  
Boston, MA 02110-2804  
Telephone: (617) 542-5070  
Facsimile: (617) 542-8906